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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,687	03/06/2002	Hiroyuki Okuyama	112857-319	3793
29175	7590	01/20/2004	EXAMINER	
BELL, BOYD & LLOYD, LLC			PRENTY, MARK V	
P. O. BOX 1135			ART UNIT	PAPER NUMBER
CHICAGO, IL 60690-1135			2822	

DATE MAILED: 01/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/092,687	Applicant(s) OKUYAMA ET AL.	
	Examiner MARK V PRENTY	Art Unit 2822	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 and 21-26 is/are allowed.
- 6) ☒ Claim(s) 11 and 13 is/are rejected.
- 7) ☒ Claim(s) 12 and 14-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

This Office Action is in response to the response filed December 29, 2003.

Claims 11 and 13 are rejected under 35 U.S.C. §102(b) as being anticipated by Nakamura (Japanese Kokai 9-162444, cited in the Information Disclosure Statement filed on July 24, 2003 and described in the specification at page 2, lines 20-23).

With respect to independent claim 11, Nakamura discloses a display unit (see the entire reference, including the Fig. 11 disclosure, for example), comprising: at least two kinds of semiconductor light emitting devices having different emission wavelengths, which are formed from a common crystal growth 2 layer formed on a common base body 1; wherein electrodes 40 on said base body side form a common electrode.

Claim 11 is thus rejected under 35 U.S.C. §102(b) as being anticipated by Nakamura.

With respect to independent claim 13, Nakamura discloses a display unit (see the entire reference, including the Fig. 11 disclosure, for example), comprising: a plurality of semiconductor light emitting devices arrayed on a base body 1; wherein each semiconductor light emitting device has a light permeable region that is formed in a boundary region between two of said plurality of semiconductor light emitting devices.

Claim 13 is thus rejected under 35 U.S.C. §102(b) as being anticipated by Nakamura.

Claim 12 is objected to as being dependent on a rejected base claim, but would be allowable over the prior art of record if amended to further include all the limitations of independent claim 11.

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Claim 14 is objected to as being dependent on a rejected base claim, but would be allowable over the prior art of record if amended to further include all the limitations of independent claim 13.

Claim 15 is objected to as being dependent on a rejected base claim, but would be allowable over the prior art of record if amended to further include all the limitations of independent claim 13 and dependent claim 14.

Claim 16 is objected to as being dependent on a rejected base claim, but would be allowable over the prior art of record if amended to further include all the limitations of independent claim 13 and dependent claim 14.

Claim 17 is objected to as being dependent on a rejected base claim, but would be allowable over the prior art of record if amended to further include all the limitations of independent claim 13, dependent claim 14 and dependent claim 16.

Claim 18 is objected to as being dependent on a rejected base claim, but would be allowable over the prior art of record if amended to further include all the limitations of independent claim 13, dependent claim 14, dependent claim 16 and dependent claim 17.

Claim 19 is objected to as being dependent on a rejected base claim, but would be allowable over the prior art of record if amended to further include all the limitations of independent claim 13, dependent claim 14 and dependent claim 16.

Claim 20 is objected to as being dependent on a rejected base claim, but would be allowable over the prior art of record if amended to further include all the limitations

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of independent claim 13, dependent claim 14, dependent claim 16, dependent claim 17 and dependent claim 18.

Claims 1-10 and 21-26 are allowable over the prior art of record.

Registered practitioners can telephone the examiner at (571) 272-1843. Any voicemail message left for the examiner must include the name and registration number of the registered practitioner calling, and the Application/Control (Serial) Number. Technology Center 2800's general telephone number is (571) 272-2800.

Mark Prenty
Mark V. Prenty
Primary Examiner